

# Michigan Profile

June 2012

## Hot Issues – Upper Peninsula

### Issue: County Road Project Related to Kennecott Mine – Marquette County

**Background/Status:** In October 2011, the Marquette County Road Commission applied to the Michigan Department of Environmental Quality for a CWA Section 404 permit to construct County Road 595. MDEQ has CWA 404 authority in Michigan. Previously, Woodland Road LLC applied for a 22-mile road, primarily for use by Kennecott Mine ore haul trucks and lumber trucks. After EPA, U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service objected to that project, it was withdrawn.

On April 23, with input from the Corps and FWS, EPA objected to a permit for CR-595, noting:

- The county needs to show there are alternatives with fewer impacts on wetlands and streams.
- The project will have significant impacts to aquatic resources, particularly forested wetlands.
- The proposed mitigation would not sufficiently compensate for lost wetland and stream functions.

MCRC responded June 6 to EPA's objection with more information on alternatives, including cost information. Region 5 has participated in additional discussions with the state, and with the county and state. The MDEQ Director has determined that only the county's preferred option, CR-595, is prudent and feasible. CR-595, however, would have the greatest impact to aquatic resources, and would require more mitigation than the other alternatives. EPA's position is that the state should consider three options – Mulligan Plains East, CR 510/Red Road and CR-595. We are working with the state and county to review possible mitigation approaches, which would be required no matter which alternative is chosen. It appears that the incremental cost for the additional mitigation required for CR-595 would be much less than the construction cost differential between CR-595 and the other higher cost alternate routes.

#### **Timeline based on 40 CFR 233.50:**

By July 22, MDEQ or any interested person may ask EPA to hold a public hearing on the objection. EPA will hold a hearing if requested by the state, or if warranted by significant public interest based on requests received.

If a hearing is held (**no timeframe is provided for conducting a hearing**).

Following a hearing, EPA shall reaffirm, modify or withdraw its request and notify the MDEQ Director of this decision (**no timeframe is provided for reaching a decision**).

If EPA withdraws its objection, the state may issue the permit (**no timeframe provided**).

If EPA does not withdraw its objection, the state must either issue a permit revised to satisfy EPA's objections, or notify EPA of its intent to deny the permit within **30 days** of the Director's receipt of EPA's notification of its decision.

If no public hearing is held, within **90 days** of receipt by the MDEQ Director of EPA's objection letter (by July 22), the state must either issue a permit revised to satisfy EPA's objections, or notify EPA of its intent to deny the permit.

#### **Messages:**

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- By July 22, MDEQ must issue a revised permit, notify EPA that it will deny the permit or ask EPA to hold a public hearing.
- If MDEQ asks, EPA will hold a public hearing, after which EPA will reaffirm, modify or withdraw its objections. Within 30 days after that decision, MDEQ must issue a revised permit or notify EPA it intends to deny the permit.
- EPA will continue to work with MDEQ, MCRC, the Corps and FWS to resolve our concerns.

**Contact:** Melanie Haveman, WD, 312-886-2255, haveman.melanie@epa.gov; Sue Elston, WD, 312-886-6115, elston.sue@epa.gov.

### **Issue: Humboldt Mill Site Related to Kennecott Mine – Marquette County**

**Background/Status:** The Superfund Division Site Assessment Program is evaluating the Humboldt Mill site in Marquette County in response to a petition by the Keeweenaw Bay Indian Community. The 1,242-acre site is a former ore processing facility and includes the historic Humboldt Mill building. The tribe requested an EPA Superfund evaluation because the Kennecott Mine Company wants to renovate and reuse the facility to process metallic sulfide ore and dispose of process waste in an on-site man-made lake. The tribe has also raised concerns about historic contamination. As a result, EPA has been sampling on site and in surrounding areas. At the request of Humboldt Township, ATSDR, MDEQ and EPA will discuss drinking water results at a meeting June 21. EPA is working with the company and Humboldt Mill Township to document site conditions. Officials at Humboldt Mill Township are concerned that the EPA actions may adversely impact development at the site. **Further sampling is needed at the southern end of the site and is scheduled for the week of June 18.** Due to the complexity of the site and need to fill data gaps, a report on the findings will not be ready until later this year.

#### **Messages:**

- EPA sampled the site, surrounding land and residential drinking wells.
- **A meeting is set for June 21 at Humboldt Township to discuss results of the drinking water well investigation. ATSDR will explain the health implications of the findings. A representative from Michigan DEQ (Resource Management Division) will answer questions.**
- EPA needs more samples from the site's southern end; they will be taken the week of June 18.
- Due to the complexity of the site and need to fill data gaps, there will be no report until later this year.

**Contact:** Nuria Muñoz, Superfund, 312-886-4439, muniz.nuria@epa.gov.

### **Issue: White Pine Electric Power Enforcement Case – White Pine**

**Background/Status:** EPA issued a Notice of Violation to White Pine Electric Power, 126 miles west of Marquette. The 2009 NOV was for violations of New Source Review. The boiler at issue was shut down from September 1998 until June 2004. EPA alleges White Pine has failed to submit timely and complete Title V permit applications since the plant restarted. EPA and White Pine have been in negotiations since late 2009.

#### **Message:**

- EPA is discussing a settlement with White Pine Electric Power for potential Clean Air Act violations.

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**Contacts:** Katharina Bellairs, ARD, 312-353-1669, bellairs.katharina@epa.gov; Sherry Estes, ORC, 312-886-7164, estes.sherry@epa.gov.

### **Issue: Torch Lake Five-year Review and NPL Delistings – Houghton County**

**Background/Status:** The Torch Lake site consists of stamp sand materials left behind after a century of copper mining. About 200 million tons of copper stamp sands were dumped into Torch Lake, killing plants and marine life at the bottom of the lake. Stamp sands were also dumped near other water bodies around Houghton County. In 1992, EPA covered the stamp sands near these water bodies to prevent further erosion of the stamp sands into the surrounding water bodies. From 1999 to 2011, EPA placed a vegetative cover over about 600 acres of stamp sands. During this same time EPA conducted two five-year reviews and has partially delisted the sediment, surface water and ground water, along with Lake Linden Sands and Hubbell/Tamarack, two of the 12 parcels that make up the site. A third review is due next spring. **EPA and MDEQ are doing the inspection the week of June 18 – 22.** The review process includes encouraging property owners to put the appropriate institutional controls on their properties and educating them about the NPL delisting process.

The local community would like the remaining 10 parcels of property deleted from the NPL as soon as possible – something they've been requesting for the past 10 years. Recently, MDEQ told EPA they concur with delisting three more parcels by the end of this year. The three parcels have appropriate institutional controls in place and the delisting process has begun with a Notice of Intent to Delete.

#### **Messages:**

- EPA has delisted the Lake Linden Sands and Hubbell/Tamarack parcels – as well as the sediment, surface water and ground water – from the NPL.
- EPA completed construction on the remedy for the Quincy Smelter parcel in September 2011.
- **EPA is conducting the third five-year review inspection with MDEQ the week of June 18 – 22.**
- EPA has drafted delisting packages for Isle Royale Sands, Mason Sands and Michigan Smelter, and plans to have these parcels delisted by the end of this year.

**Contact:** Nefertiti DiCosmo, Superfund, 312-886-6148, dicosmo.nefertiti@epa.gov.

### **Issue: Former Calumet & Hecla Power Plant – Lake Linden**

**Background/Status:** In May, EPA and Honeywell Inc. (Potentially Responsible Party) entered into an Administrative Order on Consent outlining the cleanup of containers, soils and materials containing hazardous substances, including asbestos, to be performed by Honeywell at the former Calumet & Hecla Power Plant site in Lake Linden. The site housed several buildings, including a power plant supporting the copper mining stamping process. There are areas of soil contaminated with metals as well as various asbestos-containing materials both in existing structures and intermixed with soil throughout the property. EPA is negotiating and reviewing Honeywell's work plans to ensure proper assessment, removal/treatment and disposal. Assessment and removal work is expected to begin in early July.

#### **Messages:**

- Although this site is adjacent to Torch Lake, it is not part of the Torch Lake Superfund site.

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- EPA and Honeywell are negotiating proper assessment and remediation of hazards on the site.
- EPA plans to host a public information session shortly after work begins.

**Contact:** Andrew Maguire, Superfund, 312-353-8782, maguire.andrew@epa.gov; Ralph Dollhopf, Superfund, 231-264-8713, dollhopf.ralph@epa.gov.

### **GREAT LAKES ISSUES**

#### **Issue: Wind Energy Development in the Great Lakes**

**Background/Status:** The Council on Environmental Quality and U.S. Department of Energy are spearheading a federal-state partnership to streamline and integrate the permitting of off-shore wind energy development in the Great Lakes. EPA is among the federal agencies involved. Great Lakes wind energy facilities are being investigated in several states. A pilot offshore wind project is in the planning stages seven miles off downtown Cleveland in Lake Erie, but it faces financial uncertainty. The project would generate 20 megawatts from a cluster of five to seven turbines. The municipally owned Cleveland Public Power has committed to purchase up to 20 percent of the electricity from the project. Developers have not secured other purchase commitments for the estimated \$130 million project. The cost of off-shore wind electricity is approximately double that of electricity from natural gas.

EPA is actively involved in the Great Lakes Wind Collaborative, which includes federal, state and Canadian agencies, academics, non-profits, developers and utilities to promote sustainable development of wind energy in the Great Lakes. The Collaborative, organized by the Great Lakes Commission, is working to resolve legal, environmental and financial issues related to offshore wind development. These projects raise a number of environmental issues, including sediment, water quality, noise, ice movement, historic resources, navigation, aviation, aesthetics, impacts to birds and bats, impact to fisheries (commercial, sport, and subsistence) and other aquatic organisms, and impacts from associated on-shore facilities. Structures in the lakes would need Corps of Engineers permits under Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act, in addition to compliance with the Endangered Species and National Historic Preservation Acts. EPA would review and comment on the environmental impact statements prepared by the Corps.

#### **Messages:**

- EPA signed the Great Lakes off-shore wind Memo of Understanding and will work with other federal and state agencies to streamline and integrate the permitting process.
- EPA participates in the Great Lakes Wind Collaborative, made up of federal, state and Canadian agencies, academics, non-profits, developers, and utilities to promote sustainable and environmentally responsible development of wind energy in the Great Lakes.
- The proposed wind project in Lake Erie faces financial hurdles but a number of environmental issues also must be settled before the Corps of Engineers would issue a permit.

**Contact:** Ken Westlake, NEPA, 312-886-2910, westlake.kenneth@epa.gov.

#### **Issue: Lake Superior Aquatic Invasive Species Detection and Prevention**

**Background/Status:** The Lake Superior Work Group, tasked with implementing priorities of the Lake Superior Lakewide Management Plan (LaMP), developed the “Lake Superior Aquatic Invasive Species Complete Prevention Plan.” Some of the plan’s recommended actions are being implemented by Lake Superior state, tribal, federal and provincial partners.

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Under the Great Lakes Restoration Initiative, work is under way to develop and implement an invasive species early detection network. Early detection programs are most advanced for Lake Superior and Duluth Harbor. Specifically, EPA's Office of Research and Development's Mid-Continent Ecology Division in Duluth has developed a protocol for early detection of invasive fish species in four Lake Superior hot spots: St. Louis River estuary, Minnesota and Wisconsin; Thunder Bay Harbour, Ontario; Upper St. Mary's River, Michigan and Ontario; and Chequamegon Bay, Wisconsin.

Other partners include U.S. Fish and Wildlife Service Lake Superior Fishery Office, Ontario Ministry of Natural Resources Lake Superior Unit, Fond du Lac Band of Lake Superior Chippewa and 1854 Treaty Authority.

## Messages:

- An intersection of efforts in prevention (Lake Superior AIS Complete Prevention Plan) and early detection (GLRI Action Plan implementation) is emerging in Lake Superior.
- New research on high-risk harbors has provided an initial new detection model, which is a framework for a future basin-wide detection network and is being further refined through an Isle Royale case study this summer.
- Early detection models will help assess the success of prevention efforts.

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## Issue: Lake Superior Critical Pollutants Reduction Report

**Background:** The Lake Superior Binational Program calls for the zero discharge of nine critical pollutants by 2020. The Lakewide Management Plan required the Lake Superior Chemical Committee to report its progress every five years. The 2010 report shows all chemical reduction targets were reached under the Zero Discharge Demonstration Program, and the trend is a continuing decline in discharges. For example, between 1990 and 2010, in-basin mercury discharges were reduced by 80 percent and dioxin discharges by 86 percent. Pesticide disposal trends indicate amounts of DDT and other banned pesticides have dropped significantly since 2001.

A PCB transformer replacement program, mercury product collections, community hazardous waste collection events and public campaigns to stop household burning of garbage have helped reduce chemical loadings. The LaMP also tracks regulations, national chemical management programs and energy demands related to critical chemical pollutants.

The draft report will soon be released for public review and comment. The report should be released publicly this summer.

## Messages:

- The Lake Superior Work Group continues to make substantial progress toward the reduction and eventual zero discharge of nine critical pollutants.
- Mercury and dioxin were significantly reduced, through projects funded by the Great Lakes Restoration Initiative.
- As a result of targeted actions by EPA and its binational state, tribal, provincial and federal partners, concentrations of critical pollutants have declined in various media of Lake Superior, including air, water sediment, herring gull eggs and fish.

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**Contact:** Elizabeth LaPlante, GLNPO, 312-353-2694, [laplante.elizabeth@epa.gov](mailto:laplante.elizabeth@epa.gov).

### **Issue: Orvana's Proposed Copperwood Mine – Gogebic County**

**Background/Status:** In January 2011, Orvana Resources Corp. applied to the Michigan Department of Environmental Quality for a CWA Section 404 permit to construct the proposed Copperwood Mine in Gogebic County, 146 miles west of Marquette near Lake Superior. The Copperwood Mine would be an underground mine with an on-site tailings basin. According to Orvana's permit application, the mine will affect approximately 14,000 linear feet of stream and 59 acres of wetlands.

#### **Messages:**

- MDEQ issued a Public Notice for the proposed permit May 18 to impact wetlands and streams.
- EPA will comment on the proposed project's compliance with the Clean Water Act Section 404(b)(1) Guidelines by Aug. 21.
- Water Division anticipates significant concern based on the quantity of aquatic resource impacts proposed.

**Contact:** Melanie Haveman, WD, 312-886-2255, [haveman.melanie@epa.gov](mailto:haveman.melanie@epa.gov).

### **Issue: Michigan public notices draft permit for Orvana Resources**

**Background/Status:** On May 29, the Michigan Department of Environmental Quality public-noticed a draft permit for Orvana Resources. The mine project in Gogebic County consists of an underground copper mine with associated ore milling, concentrate production and tailings disposal. Based on the potential emissions from the source, the permit would be a minor source and not subject to PSD review. The public comment period and air permit are being coordinated with the development of the Part 301/303 and NPDES permits for the mine. The comment period on the draft permit ends June 28.

**Message:** Tribes are generally concerned with all mining activity in Michigan.

**Contact:** Constantine Blathras, ARD, 312 886-0671, [blathras.constantine@epa.gov](mailto:blathras.constantine@epa.gov).

### **Issue: Michigan Childhood Lead Poisoning**

**Background/Status:** Lead poisoning in children under 6 is still a problem in Michigan. Data from the Michigan Department of Community Health shows 6.3 percent of children tested have blood lead levels of 5 micrograms per deciliter, the current target level, or greater. In the Upper Peninsula, 2.7 percent, or one of every 37 children, have blood lead levels of 5 micrograms per deciliter or higher.

In 2011, EPA gave states the authority to assess fines up to \$5,000 per violation per day, but the MDCH does not have such authority. Michigan needs to amend its legislation and rules or the MDCH will not be able to receive authorization of an RRP program and EPA may have to commence withdrawal of the authorization of its abatement program, curtailing the state's ability to protect its constituency.

Data is critical to the effective implementation of programs to eliminate childhood lead poisoning. The Centers for Disease Control and Prevention plans to eliminate funding for the blood lead surveillance

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program, which will affect how states and cities track, consolidate and evaluate reported cases. It will, in turn, negatively affect the implementation and enforcement of federal and state lead abatement programs.

### Messages:

- Michigan does not meet the new EPA established penalty requirements and risks EPA's withdrawal of their abatement program, which would curtail its ability to serve its constituency.
- Support from other Michigan-based constituents would help the state in amending its legislation to develop a lead renovation program and maintain its lead abatement program.
- The loss of CDC funds will affect states' and cities' ability to track, consolidate and evaluate reported cases of elevated blood lead levels in children.

**Contact:** Ludmilla Koralewska, LCD, 312-886-3577, Koralewska.ludmilla@epa.gov.

### Issue: Mercury Levels in Blood from Newborns in the Lake Superior Basin

**Background/Status:** A recent Minnesota Department of Health study – partially funded by EPA – measured total mercury in dried blood spots from 1,465 infants born between 2008 and 2010 to mothers living in the U.S. portion of the Lake Superior basin. Researchers wanted to determine the range of mercury concentrations in these infants. They were also assessing the feasibility of using dried blood spots from infants as an indicator of mercury exposure to pregnant women and their fetuses. Fetuses, infants and young children are most at risk from mercury exposure because small amounts of mercury can harm the developing brain and nervous system. Most mercury exposure to unborn babies occurs when the mother eats fish or shellfish contaminated with a form of mercury called methylmercury.

Eight percent of tested newborns had mercury levels above the EPA Reference Dose for methylmercury. Data varied by state; no Michigan samples were above the Reference Dose. Babies born during the summer months were more likely to have an elevated mercury level. The seasonal variation suggests that pregnant women in this region have an increased risk of mercury exposure in the summer because they eat more locally caught fish.

### Message:

- The level of exposure to mercury is too high for some pregnant women in the Lake Superior region.
- EPA's Great Lakes National Program Office continues to bring together federal, state, tribal, local and industry partners in an integrated, ecosystem approach to protect, maintain and restore the chemical, biological and physical integrity of the Great Lakes.

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– END U.P. Issues –